United Nations S/AC.45/2005/4

Security Council

Distr.: General
15 February 2005

Original: English

Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Note verbale dated 14 February 2005 from the Permanent Mission of South Africa to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of South Africa to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire and, with reference to operative paragraph 15 of resolution 1572 (2004), has the honour to present the attached information regarding the actions taken by the Republic of South Africa to implement effectively the measures imposed by resolution 1572 (2004) (see annex).

05-23960 (E) 230205

Annex to the note verbale dated 14 February 2005 from the Permanent Mission of South Africa to the United Nations addressed to the Chairman of the Committee

Report by the Government of South Africa to the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, regarding the monitoring of Member States' compliance with the arms embargo against Côte d'Ivoire

Introduction

This report by the Government of South Africa is submitted pursuant to operative paragraph 15 of Security Council resolution 1572 (2004), requesting Member States to report to the Security Council Committee on Côte d'Ivoire, on the actions they have taken to implement the measures imposed by operative paragraph 7 of the said resolution.

Action taken by the South African Government

In South Africa, the regulation of arms transfers is undertaken by the National Conventional Arms Control Committee (NCACC) in terms of the following legislation.

- The National Conventional Arms Control (NCAC) Act, which was promulgated on 1 May 2003 and replaced the Armaments Development and Production Act (57 of 1968). The Act enables NCACC to ensure the implementation of a legitimate, effective and transparent control process, which would foster national and international confidence in the control procedures.

The Act lays down a set of criteria and guiding principles to be used in the assessment of conventional arms transfers. These criteria and guiding principles are based on internationally accepted norms and, inter alia, include consideration of human rights and fundamental freedoms and the adherence to international treaties and agreements. These criteria stipulate, among others, that NCACC must:

(a) Avoid endangering regional and international peace and stability by introducing destabilizing military capabilities into a region, which could aggravate or prolong any existing armed conflicts;

(b) Adhere to international law, norms and practices and the international obligations and commitments of South Africa, including United Nations arms embargoes;

(c) Avoid contributing to terrorism and crime.

- The Firearms Control Act, 2000 (Act No. 60 of 2000). In terms of section 73 of this Act, no person may import or export firearms and ammunition without the necessary permit. The Act, as well as the NCAC Act, makes provision for NCACC to authorize the export of firearms and ammunition against the set criteria contained in the NCAC Act.

In accordance with resolution 1572 (2004), under Chapter VII of the United Nations Charter, NCACC has instructed the Directorate of Conventional Arms Control, its implementing body, to undertake the necessary steps to withdraw any existing permits and to implement the arms embargo with immediate effect.